



(collectively, “HBC”)<sup>1</sup> and respectfully requests that the Court dismiss this action because the Complaint filed by Plaintiffs CNR Operations, LLC and CESWD 1, LLC (collectively, “Plaintiffs”) fails to state a claim upon which relief may be granted.<sup>2</sup>

2. Alternatively, as set forth more fully in Mr. Doud’s Brief in Support of Motion, Mr. Doud requests that the Court transfer this proceeding to the United States District Court for the District of Colorado for further reference to the Bankruptcy Court, and that Plaintiffs be required to re-plead and provide a more definite statement of the allegations in the Complaint.

WHEREFORE, PREMISES CONSIDERED, Mr. Doud prays that the Court dismiss this action or, in the alternative, enter an order transferring this case to the United States District Court for the District of Colorado for further reference to the Bankruptcy Court, and that Plaintiffs be ordered to re-plead and provide a more definite statement of the allegations in the Complaint, and for such further and additional relief as to the Court may appear just and proper.

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<sup>1</sup> As set forth more particularly in Mr. Doud’s Brief in Support of Motion, Mr. Doud generally joins in HBC’s Motion and the legal bases and authorities set forth therein but does not join in the recitation of facts set forth in Section B, paragraphs 11-20, of HBC’s Motion.

<sup>2</sup> The term “Complaint” refers to Plaintiffs’ Original Petition & Preservation of Potential Defenses filed by Plaintiffs in the 101<sup>st</sup> Judicial District Court of Dallas County, Texas, initiating this action, which has since been removed to this Court.

Respectfully submitted,

/s/ Jay. J. Madrid

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 27, 2018, I served a true and correct copy of the foregoing on all counsel of record in accordance with the Federal Rules of Civil Procedure.

Jay J. Madrid

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